

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1379

Introduced by Dover, 19.

Read first time January 17, 2024

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
2 58-704, 76-901, and 76-903, Reissue Revised Statutes of Nebraska; to
3 create the Housing Aid Fund; to change provisions relating to the
4 housing advisory committee under the Nebraska Affordable Housing Act
5 and the rate and disbursement of the documentary stamp tax; to
6 provide an operative date; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Housing Aid Fund is created. The fund shall consist
2 of money received pursuant to section 76-903, revenue from sources
3 recommended by the housing advisory committee established in section
4 58-704, transfers by the Legislature, grants, private contributions,
5 repayment of loans, and all other sources. The Department of Economic
6 Development as part of its comprehensive housing affordability strategy
7 shall administer the fund. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
10 Act.

11 Sec. 2. (1) From funds available in the Housing Aid Fund, the
12 Department of Economic Development shall administer a grant program to
13 finance downpayment assistance for homebuyers and shall require
14 applications to be submitted to the department. Grants under the program
15 shall be repaid to the department upon transfer of title of real property
16 purchased with the assistance of such grants. Any real property purchased
17 utilizing the assistance of grants under the program shall be subject to
18 a lien by the Department of Economic Development.

19 (2) To be eligible for a grant under the program, the applicant
20 shall verify that the household income of the applicant is less than or
21 equal to one hundred fifty percent of the area median income.

22 (3) The annual distribution of grants under the program are subject
23 to the following restrictions:

24 (a) Fifteen percent of grants under the program shall be distributed
25 to applicants in cities of the primary class;

26 (b) Thirty percent of grants under the program shall be distributed
27 to applicants in cities of the metropolitan class; and

28 (c) Fifty-five percent of grants under the program shall be
29 distributed to applicants not in cities of the primary or metropolitan
30 classes.

31 (4) The department shall review each application to determine

1 whether the applicant qualifies for a grant under this section and shall
2 not award a grant that exceeds thirty-five thousand dollars for any
3 individual household.

4 Sec. 3. Section 58-704, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 58-704 (1) The Legislature finds that the development of operational
7 rules and regulations and an appropriate source of funding is critical to
8 the success of the Affordable Housing Trust Fund and the Housing Aid
9 Fund. A housing advisory committee is created to address issues related
10 to the operation of the funds fund and to recommend a plan to coordinate
11 low-income housing efforts throughout the state. On or before December
12 15, 1996, the committee shall recommend to the Legislature and the
13 Governor the most viable revenue source or sources for the funding of the
14 Affordable Housing Trust Fund fund. On or before December 15, 2024, the
15 committee shall recommend to the Legislature and the Governor the most
16 viable revenue source or sources for the funding of the Housing Aid Fund.
17 The committee shall also recommend for public review proposals for rules
18 and regulations to carry out the funds fund, including time limitations
19 for the use of financial assistance and limitations on the administrative
20 costs of proposed projects. For administrative purposes, the committee
21 shall be located in the Department of Economic Development.

22 (2) The committee shall consist of fifteen members who represent a
23 wide range of interests associated with the development and sales of
24 housing. The Governor shall appoint the members and a chairperson and
25 vice-chairperson from the members. The committee may be a committee or
26 council previously created by statute or executive order of the Governor.
27 The Governor shall attempt to have the nonprofit and for-profit
28 communities equally represented on the advisory committee.

29 (3) The committee shall meet at the call of the chairperson or a
30 majority of the members. The chairperson shall call such meetings as he
31 or she determines necessary to fulfill the duties of the committee. A

1 quorum shall be one-half of the members.

2 Sec. 4. Section 76-901, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 76-901 There is hereby imposed a tax on the grantor executing the
5 deed as defined in section 76-203 upon the transfer of a beneficial
6 interest in or legal title to real estate at the rate of two dollars and
7 fifty ~~twenty-five~~ cents for each one thousand dollars value or fraction
8 thereof. For purposes of sections 76-901 to 76-908, value means (1) in
9 the case of any deed, not a gift, the amount of the full actual
10 consideration thereof, paid or to be paid, including the amount of any
11 lien or liens assumed, and (2) in the case of a gift or any deed with
12 nominal consideration or without stated consideration, the current market
13 value of the property transferred. Such tax shall be evidenced by stamps
14 to be attached to the deed. All deeds purporting to transfer legal title
15 or beneficial interest shall be presumed taxable unless it clearly
16 appears on the face of the deed or sufficient documentary proof is
17 presented to the register of deeds that the instrument is exempt under
18 section 76-902.

19 Sec. 5. Section 76-903, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-903 The Tax Commissioner shall design such stamps in such
22 denominations as in his or her judgment will be the most advantageous to
23 all persons concerned. When any deed subject to the tax imposed by
24 section 76-901 is offered for recordation, the register of deeds shall
25 ascertain and compute the amount of the tax due thereon and shall collect
26 such amount as a prerequisite to acceptance of the deed for recordation.
27 If a dispute arises concerning the taxability of the transfer, the
28 register of deeds shall not record the deed until the disputed tax is
29 paid. If a disputed tax has been paid, the taxpayer may file for a refund
30 pursuant to section 76-908. The taxpayer may also seek a declaratory
31 ruling pursuant to rules and regulations adopted and promulgated by the

1 Department of Revenue. From each two dollars and ~~fifty twenty-five~~ cents
2 of tax collected pursuant to section 76-901, the register of deeds shall
3 retain fifty cents to be placed in the county general fund and shall
4 remit the balance to the State Treasurer who shall credit ninety-five
5 cents of such amount to the Affordable Housing Trust Fund, twenty-five
6 cents of such amount to the Site and Building Development Fund, twenty-
7 five cents of such amount to the Homeless Shelter Assistance Trust Fund,
8 ~~and~~ thirty cents of such amount to the Behavioral Health Services Fund,
9 and twenty-five cents of such amount to the Housing Aid Fund.

10 Sec. 6. This act becomes operative on October 1, 2024.

11 Sec. 7. Original sections 58-704, 76-901, and 76-903, Reissue
12 Revised Statutes of Nebraska, are repealed.